

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - S/S Old Frederick *
Road, 682' SE of St. Agnes Lane * ZONING COMMISSIONER
(711 Academy Road) *
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Case No. 96-133-SPHA
Henry Reitberger *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 711 Academy Road, located in the vicinity of St. Agnes Lane and the Baltimore National Pike in Catonsville. The Petitions were filed by the owner of the property, the Frederick Villa Associated Limited Partnership, by Henry Reitberger, President of the Frederick Villa Nursing Center, Inc., through Gary Aiken, Esquire, and Phyllis Friedman, Esquire. The Petitioner seeks approval of an amendment to the special exception granted in prior Case No. 70-54-RX to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244. In addition, the Petitioner seeks a variance from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two single-faced signs of 16 sq.ft. each (32 sq.ft. total) in lieu of the permitted one sign of 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Henry Reitburger, Frederick J. Thompson, Professional Engineer who prepared the site plan for this project, Norman E. Gerber, an expert witness and Urban Planner, and Phyllis Friedman and Gary Aiken, Esquires, attorneys for the

ORDER RECEIVED FOR FILING

Date

By

WIT 1/29/96

Petitioner. Appearing as a Protestant in the matter was Dirk Griffin, a representative of the Academy Heights Community Association.

Testimony and evidence offered revealed that the subject property consists of two parcels with a combined area of approximately 5.3 acres, more or less, split zoned D.R. 5.5, D.R. 10.5, and R.O. Parcel A of the property is improved with a one-story medical/office building, and Parcel B, with a one-story nursing home which was approved on April 20, 1970 pursuant to the special exception granted in prior Case No. 70-54-RX. The Petitioner seeks to amend the special exception granted in the prior case to permit a second story addition to the existing nursing home as shown on the site plan marked as Petitioner's Exhibit 3. Presently, the building has four wings and accommodates 125 patients. The proposed improvements will provide accommodations for 224 beds. Mr. Reitburger described the current operation and indicated that the proposed improvements will modernize and upgrade the existing facility. Mr. Reitburger testified that there would be approximately 30 to 35 more employees per shift; however, the use and operation on the site would remain roughly the same. Mr. Reitburger further indicated that he has spoken with the adjoining neighbors and that no one has voiced any opposition to the proposed improvements.

Mr. Frederick Thompson testified as to the current use and improvements on the site and opined that the proposed second story addition would not adversely impact the surrounding locale. Mr. Thompson testified that this project is exempt from the development review process and that it has, in fact, been given an exemption from the Development Review Committee (DRC) in view of the special exception relief previously granted. Mr. Thompson indicated that additional landscaping would be provided

and that a landscape plan would be submitted for review. Lastly, Mr. Thompson addressed the special exception standards of Section 502.1 of the B.C.Z.R. and stated that, in his opinion, the proposed improvements comply with those standards and will not result in any detriment to the surrounding locale. Mr. Thompson further testified that the proposed improvements may be built in phases to minimize construction impacts on the surrounding community and therefore, requested a period of five years from the date of final approval in which to complete the project.

Mr. Norman Gerber, former Director of the Baltimore County Office of Planning and Zoning, and now an expert witness in urban planning, testified that the need for the variances is due to the fact that this property is accessed by two major roads, namely Frederick Road on the north side and Academy Road on the south side. Photographs entered into evidence as Petitioner's Exhibits 4A through 4C and 5A through 5C show that the entrance to this site from Academy Road is difficult to see due to the topography of the land and existing vegetation in the area. It was Mr. Gerber's opinion that the proposed signs are appropriate given these site constraints to adequately identify the use of the site.

Mr. Dirk Griffin, a representative of the Academy Heights Community Association, appeared and testified, not so much in opposition to the proposed improvements, but out of concern for traffic in the general area. Mr. Griffin testified that traffic is sometimes congested and he is concerned about future operations on the subject site and its impact on existing traffic conditions.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

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Date

By

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing to approve an amendment to the previously approved special exception and variance relief were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R. and will not result in any detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of January, 1996 that the Petition for Special

Hearing to approve an amendment to the special exception granted in prior Case No. 70-54-RX to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two single-faced signs of 16 sq.ft. each (32 sq.ft. total) in lieu of the one sign of 15 sq.ft., in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any use permits, the Petitioner shall submit a schematic landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to complete the proposed project.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 29, 1996

Gary Aiken, Esquire
Phyllis Friedman, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Old Frederick Road, 682' SE of St. Agnes Lane
(711 Academy Road)
1st Election District - 1st Councilmanic District
Henry Reitberger - Petitioner
Case No. 96-133-SPHA

Dear Mr. Aiken and Ms. Friedman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Henry Reitberger and Howard Blumenfeld, Frederick Villa
Assoc. Ltd. Part., 711 Academy Road, Baltimore, Md. 21229

Mr. Frederick J. Thompson and Ms. Cindy A. Gower
LPJ, Inc., 16 West 25th Street, Baltimore, Md. 21218

Mr. Dirk Griffin, Academy Heights Community Association
P.O. Box 9337, Catonsville, Md. 21228

People's Counsel; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 711 Academy Road

96-133-SHA

which is presently zoned D.R.5.5 & R.O.

This Petition shall be filed with the Department of Permits & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to Existing Special Exception (70-54-RX) which permits a nursing home in an R-6 Zone. Special Exception must be amended to permit a second story addition to the existing nursing home, and increase the number of beds from 125 to 244. Amendment will not adversely affect health, safety, or general welfare of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City State Zipcode

Legal Owner(s)

Henry Reitberger
(Type or Print Name)

Signature

(Type or Print Name)

Signature
Frederick Villa Assoc., Ltd. Partnership
711 Academy Road (410) 788-7034
Address Phone No

Baltimore, MD 21229
City State Zipcode
Name, Address and phone number of representative to be contacted
Cindy A. Gower
LPJ, INC.
Name
16 West 25th St. (410) 366-7800
Address Phone No

Attorney for Petitioner
Gary Aiken/Phyllis Friedman
(Type or Print Name)

Signature
Friedman & Friedman
902 Washington Ave. (410) 494-0100
Address Phone No
Towson, MD 21204
City State Zipcode

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 2 hr 4
unavailable for hearing
the following dates
ALL / OTHER
REVIEWED BY: MDK DATE 9/22/95
Next Two Months

ORDER RECEIVED FOR FILING

Date 9/22/95
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

711 Academy Road

96-133-SPHA

which is presently zoned DR.5.5, DR.10.5
R.O.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 413 to permit two single faced signs of 16 square feet (for a total of 32 square feet) in lieu of the 15 square feet permitted.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Due to the unique existing access and at the request of an adjacent neighbor, the sign will replace an existing double faced sign on Academy Road of 26 square feet (for a total of 52 square feet). The new sign will be designed to blend better with the adjacent residential neighborhood and provide more adequate direction for motorists.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/lessee

Legal Owner(s)

(Type or Print Name)

Howard Blumenfeld

(Type or Print Name)

Signature

Howard Blumenfeld, PARTNER
Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

Frederick Villa Assoc., Ltd. Partnership

Gary Aiken/Phyllis Friedman

711 Academy Rd. (410) 788-7034

(Type or Print Name)

Address

Phone No

Signature

Baltimore, MD 21229

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Cindy A. Gower

LPJ, Inc.

Name

16 W. 25th St., Balto., MD (410) 366-7800

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

jam

DATE 10/25

132

ORDER RECEIVED FOR FILING

Date 1/29/96

By [Signature]



ZONING DESCRIPTION - FREDERICK VILLA NURSING CENTER
DESCRIPTION OF 1.60 ACRES (PARCEL "A")

96-133-SPHA

BEGINNING AT A POINT IN OLD FREDERICK ROAD 682 FEET SOUTHEAST OF THE EAST SIDE OF ST. AGNES LANE, THENCE LEAVING SAID POINT AND BINDING. THE FOLLOWING COURSES AND DISTANCES:

- (1) SOUTH 84°-36'-40" EAST - 182.94 FEET;
- (2) SOUTH 29°-09'-55" WEST - 488.90 FEET;
- (3) NORTH 60°-50'-05" WEST - 223.43 FEET;
- (4) NORTH 60°-41'-43" EAST - 27.50 FEET;
- (5) SOUTH 84°-30'-10" EAST - 57.56 FEET;
- (6) NORTH 24°-52'-40" EAST - 97.40 FEET;
- (7) SOUTH 64°-35'-50" EAST - 14.85 FEET;
- (8) NORTH 25°-24'-10" EAST - 270.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.60 ACRES OF LANDS, MORE OR LESS.

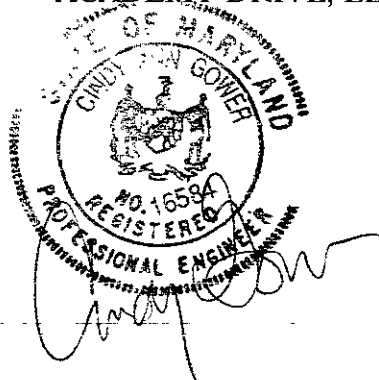
DESCRIPTION OF 3.70 ACRES (PARCEL "B")

BEGINNING AT A POINT IN THE NORTHEAST SIDE OF ACADEMY LANE SAID POINT BEING 300 FEET NORTHWEST OF THE NORTHWEST SIDE OF MT. DESALES ROAD AND THENCE CONTINUING ON SAID NORTHEAST SIDE NORTH 49°-07'-16" WEST 66.60 FEET; THENCE LEAVING SAID NORTHEAST SIDE AND CONTINUING THE FOLLOWING COURSES AND DISTANCES:

- (1) NORTH 08°-23'-26" EAST - 528.88 FEET.
- (2) SOUTH 88°-40'-00" EAST - 179.03 FEET.
- (3) NORTH 06° 18'-00" EAST - 60.28 FEET; THENCE BINDING ON A LINE OF DIVISION SAID LINE BEING IN COMMON WITH A SEPARATELY DESCRIBED 1.60 ACRE PARCEL.
- (4) SOUTH 84° 30'-10" EAST - 85.83 FEET.
- (5) NORTH 60° 41'-43" EAST - 27.50 FEET.
- (6) NORTH 60°-50'-05" WEST - 223.43 FEET.
- (7) SOUTH 29°-09'-55" WEST - 410.45 FEET.
- (8) NORTH 60°-50'-05" WEST - 252.43 FEET.
- (10) SOUTH 10°-48'-20" WEST - 261.08 FEET TO POINT OF BEGINNING

CONTAINING 3.70 ACRES OF LAND, MORE OR LESS.

SAID PARCELS BEING RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 8312 PAGE 33 AND LIBER 7064 PAGE 717. ALSO KNOWN AS 711 ACADEMY DRIVE, ELECTION DISTRICT 1.



10/10/11

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-133-SP44

District: 1ST

Date of Posting: 11/28/95

Posted for: Special Hearing - Exemption of Ordinance

Petitioner: Fredrick Villa Nursing Center

Location of property: 711 Heisterkamp Rd

Location of Signer: Heisterkamp Road and property being zoned

Remarks: _____

Posted by: _____

Signature

Date of return: _____

12/1/95

Number of Signs: 1

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-133-SPHA
(Item 132)

711 Academy Road
S/S Old Frederick Road, 882'
SE of St. Agnes Lane
1st Election District
1st Councilmanic

Legal Owners(s):
Frederick, Villa Nursing

Center/Henry Reiberger
Hearing: Monday, December
11, 1995 at 10:00 a.m. in Rm.
118, Old Courthouse.

Special Hearing: to approve an amendment to the existing special exception (#70-64-RX) which permits a nursing home in an R-6 zone. Special Exception must be amended to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244. **Variance:** to permit two single faced signs of 18 square feet (for a total of 32 square feet) in lieu of the 15 square feet permitted.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.
(2) For information concerning the file and/or Hearing, Please Call 887-3391.

11/350 Doc. 30, 019690

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/30, 1995.

THE JEFFERSONIAN,

A. H. Enick
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 10-25-95 ACCOUNT 121-6150

96-133-SRHA

RECEIVED FROM: FREDERICK VILLIA Assoc. AMOUNT \$ 50.00

Received of (100) 222-222-222
FOR: VALEANCE (020) 250.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

SCM

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 132

Petitioner: Frederick Villa Assoc. Ltd. Partnership

Location: 711 Academy Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Gary Aiken/Phyllis Friedman of Friedman + Friedman

ADDRESS: 409 Washington Avenue

Towson, MD 21204

PHONE NUMBER: (410) 494-0100

AJ:ggs

(Revised 04/09/93)

TO: PUTUMENT PUBLISHING COMPANY

November 30, 1995 Issue - Jeffersonian

Please forward billing to:

Gary Aiken/Phyllis Friedman
Friedman & Friedman
409 Washington Avenue
Towson MD 21204
494-0100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-133-SPHA (Item 132)
711 Academy Road
S/S Old Frederick Road, 682' SE of c/l St. Agnes Lane
1st Election District - 1st Councilmanic
Legal Owner: Frederick Villa Nursing Center/Henry Reitberger

Special Hearing to approve an amendment to the existing special exception (#70-54-RX) which permits a nursing home in an R-6 zone. Special exception must be amended to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244.
Variance to permit two single faced signs of 16 square feet (for a total of 32 square feet) in lieu of the 15 square feet permitted.

HEARING: MONDAY, DECEMBER 11, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 1995

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-133-SPHA (Item 132)
711 Academy Road
S/S Old Frederick Road, 682' SE of c/l St. Agnes Lane
1st Election District - 1st Councilmanic
Legal Owner: Frederick Villa Nursing Center/Henry Reithberger

Special Hearing to approve an amendment to the existing special exception (#70-54-RX) which permits a nursing home in an R-6 zone. Special exception must be amended to permit a second storyh addition to the existing nursing home and increase the number of beds from 125 to 244.
Variance to permit two single faced signs of 16 square feet (for a total of 32 square feet) in lieu of the 15 square feet permitted.

HEARING: MONDAY, DECEMBER 11, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Henry Reithberger/Frederick Villa Assoc. Ltd. Partnership
Patrice Dirican
Gary Aiken/Phyllis Friedman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 1, 1995

Gary Aiken/Phyllis Friedman, Esquire
Friedman & Friedman
409 Washington Ave.
Towson, Maryland 21204

RE: Item No.: 132
Case No.: 96-133-SPHA
Petitioner: H. Reitberger

Dear Mr. Friedman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 22, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/03/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: HENRY REITBERGER

LOCATION: S/S OLD FREDERICK RD., 682' SE OF CENTERLINE ST. AGNES LA.
(711 ACADEMY RD. - FREDERICK VILLA NURSING HOME)

Item No.: 132

Zoning Agenda: SPECIAL HEARING

Gentlemen:

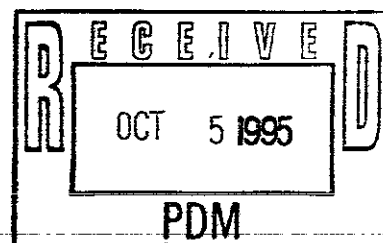
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Oct. 13, 1995
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for October 10, 1995
Item No. 132

The Development Plans Review Division has reviewed the subject zoning item. If this Special Exception is granted, the entire site becomes subject to the Landscape Manual requirements. A schematic landscape plan should be submitted for review, prior to the Special Hearing.

RWB:sw

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 7, 1995
Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
Item No. 132 Revised

The Development Plans Review Division has reviewed the subject zoning item again and revised our comments as follows:

The schematic plan has been submitted and is generally acceptable for the purposes of this hearing. Specific landscape issues will be addressed in more detail later in the process.

RWB:EAH:sw



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-6-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *132 (JCM)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 11, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 711 Academy Road

INFORMATION:

Item Number: 132

Petitioner: Frederick Villa., Ltd. Partnership

Property Size: _____

Zoning: DR-5.5 & 10.5

Requested Action: Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

On October 10, 1995, the Development Review Committee recommended that a limited exemption (A7) be approved. Based upon the information provided, staff offers no additional comments.

Prepared by: Jeffrey W. Long

Division Chief: Carol Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 25, 1995

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I, PDM

SUBJECT: Item #132
711 Academy Road

Applicant was advised that the zoning commissioner may calculate the brick and mortar portion of the structure as signage, which would increase the variance request. See attached policy section.

JCM:scj

10/25/95

POLICIES BY TYPE OF SIGN

INFORMATION/IDENTIFICATION SIGNS (CLASSES 1-10):

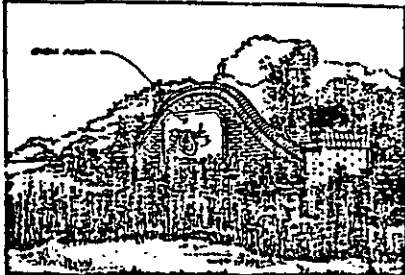
COMMUNITY SIGNS (Class 1): Buildings

Community building type uses, i.e., hospitals, conservatories, community care centers, volunteer fire company, public utility, cemeteries, and airports will be considered under Section 413.1.e and are allowed 15 square feet of signage; if in the judgment of the Zoning Commissioner the use is public or quasi-public in nature.

See the following cases: 83-10ASPH.

COMMUNITY SIGNS (Class 1): Residential Subdivisions only

- a. Signage (wording) shall be contained on a single panel or plaque with the square footage indicated (Maximum 15 square feet allowed).
- b. The signage shall be distinct and recognizable from the supporting structure.
- c. All materials and colors shall be specified.
- d. Landscaping shall be provided in conjunction with the sign and clearly indicated on the plan.
- e. Perspective drawings showing the sign relative to the subdivision entrance shall be provided.
- f. All dimensions and areas shall be shown on the plan.
- g. Signs shall not be internally illuminated.
- h. Covenants outlining maintenance responsibility shall be provided.



Sign size = 3 ft. x 5 ft. = 15 square feet

Nameplate Signs (Class 3):

Signs in residential zones (not including R.O. - office use) for uses not specifically listed under Section 413 B.C.Z.R., including:

- | | |
|------------------------|------------------------|
| convalescent homes | private day care |
| boarding/rooming homes | boat yards |
| camps, day camps | marinas |
| fishing, shell fishing | riding stables |
| funeral establishments | kennels |
| veterinarian's office | animal boarding places |

and other nonresidential uses permitted as of right or by Special Exception are limited to a one square foot sign, unless in the judgment of the Zoning Commissioner the sign is generic (without advertising) and/or public or quasi-public in nature, under Section 413.1.e.

Directory Signs (Class 5):

Directory signs may be erected, subject to the following special conditions:

- a. The lettering on a directory sign indicating the names and locations of occupants may not be larger than one inch high; other lettering may not be larger than three inches high.
- b. In an O-1, O-2, O.T., M.R., M.L.R. or M.L. zone, a directory sign is allowed only if at least 75% of the tenants or functions have independent outside access to the building.

Please send notice of
rescheduled date for
hearing of case 96-133-SPH
(item 132) to: Patrice Dirican
Catonsville Times
Catonsville, MD
21228
Re: Frederick Villa
Nursing Center

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
711 Academy Rd (Frederick Villa Nursing	*	ZONING COMMISSIONER
Center), S/S Old Frederick Road, 682'		
SE of c/l St. Agnes Lane, 1st Election	*	OF BALTIMORE COUNTY
District, 1st Councilmanic		
	*	CASE NO. 96-133-SPHA
Frederick Villa Assoc. Ltd. Partnership		
Petitioner	*	
* * * * *		

AMENDED ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Amended Entry of Appearance was mailed to Gary Aiken, Esquire and Phyllis Friedman, Esquire, Friedman & Friedman, 409 Washington Avenue, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 8, 1999

GMAC Commercial Mortgage Corporation
650 Dresher Road
P.O. Box 1015
Horsham, Pennsylvania 19044-8015

To Whom It May Concern:

RE: Zoning Verification, 711 Academy Road, Parcel B, 3.7 acres +/-,
Convalescent (Nursing) Home, (the "Project"), Case #'s 70-54-RX,
96-133-SPHA, 1st Election District

This zoning verification responds to your letter and plan received on 6/25/99. The responses are based on your information and a review of the zoning records.

1. Current Zoning: The land on which the Project is constructed is zoned D.R.5.5 (Density Residential, 5.5 dwelling units per acre) with a small R.O. (Residential-Office, 5.5 dwelling units per acre) zoned strip of area along the northern-most boundary and is subject only to the use restrictions generally applicable to that classification which are contained in the Baltimore County Zoning Ordinance.
2. Conformance with Current Zoning Requirements: Based on the materials available from our records, we have no reason to believe that either the use of the Property or the improvements thereon are nonconforming.
3. Right to Rebuild Following Casualty: In the event of casualty, the Project may be rebuilt substantially in its current form (i.e., no loss of square footage, same building footprint) upon satisfaction of the following conditions and or limitations:

As approved in zoning case #70-54-RX or if the choice is made to go forward with the development as approved in zoning case #96-133-SPHA, then pursuant to that site plan and Order.

4. No Further Approvals or Licenses Required: The current use of the Project by its present owners for a 125 bed convalescent (nursing) home as approved in cases #70-54-RX and 96-133-SPHA is a permitted use under the Zoning Ordinance without the necessity of any rezoning, special exceptions, use permit, variance or other approval, other than those previously referenced. We are not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the

Come visit the County's Website at www.co.ba.md.us

MICROFILMED



July 8, 1999

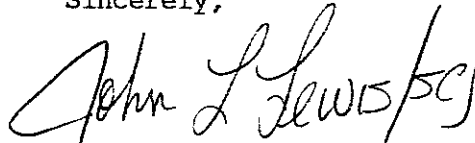
Page 2

manner in which it is presently being used. This is with the understanding that should case #96-133-SPHA approval be utilized (for up to 244 beds), new construction will require other county (etc.) reviews and permitting approvals.

5. Parking: The required number of parking spaces for this Property is per case #70-54-RX, which is 1 space per 10 beds. Once case #96-133-SPHA is utilized, 176 parking spaces are required pursuant to the approved plan.
6. No Applications Pending: To the best of my knowledge, no application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Project, is now pending. No proceeding to challenge the zoning, or other governmental approval or use of the Project is pending, or, to the best of our knowledge, overtly threatened.
7. Certificates of Occupancy Issued: We are unable to locate a certificate of occupancy for the Project from our records. We have no reason to believe, however, that one was not properly issued and the absence of a certificate of occupancy under such circumstances would not give rise to any enforcement action affecting the Project.
8. No Violations; All Development-Related Fees Paid: We are unaware of (i) the existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or (ii) any enforcement proceedings against the Project that are pending or contemplated. Due to the age of the Project (from the 1970's), we feel assured that all fees required have been paid in connection with the development and use of the Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or contemplated.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



John L. Lewis
Planner II
Zoning Review

JLL:ggs

Enclosure

c: Case Numbers: 70-54-RX and 96-133-SPHA

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 069218

DATE 6/28/99 ACCOUNT -001-6150

AMOUNT \$ 40.00 (JLL)

RECEIVED FROM: McGuire Woods Battle & Boothe

FOR: 711 Academy Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

6/29/1999 6/28/1999 15:12:44
REL 4806 CASHIER KEN KIM DICKER
Dept 5 528 ZONING REGULATION
Receipt # 077367
CR NO. 069218

Receipt tot 40.00
40.00 CK 60 CA
Baltimore County, Maryland

MICROFILMED

CASHIER'S VALIDATION

**McGUIRE WOODS
BATTLE & BOOTHE LLP**

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

Direct Dial: 410-659-4425
Direct Fax: 410-659-4475

²⁴
June 23, 1999

FEDERAL EXPRESS
VIA TELECOPY (410-887-5708)

Baltimore County, Maryland
Zoning Department
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Arnold Jablon

Re: Zoning Verification for TA# 01-01-18-001520, TM 95, Grid 21, Parcel 315
aka 711 Academy Road, Baltimore, Maryland 21228

*125 bed
skilled nursing
home*

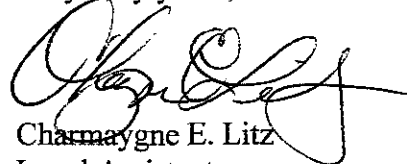
Dear Mr. Jablon:

I would like to request that the Department of Zoning to issue a zoning verification letter in substantially the form attached hereto for the above-referenced property.

The above property is scheduled to close on June 29, 1999. Please call me upon receipt of this request so that we can discuss a method of expedited delivery (i.e., telecopy or overnight). Although the zoning verification letter is addressed to the GMAC, the original will need to be forwarded directly to the undersigned at the above-referenced address.

If you have any questions or comments, please do not hesitate to contact me directly at the number indicated above.

Very truly yours,


Charmayne E. Litz
Legal Assistant

cc: Patrick M. Shelley, Esquire

MICROFILMED

**McGUIRE WOODS
BATTLE & BOOTHE LLP**

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

To: ju
6/25/99
na *Shelley*
DSK 6/28
Direct Dial: 410-659-4425
Direct Fax: 410-659-4475

June 25, 1999

VIA HAND DELIVERY

Baltimore County, Maryland
Zoning Department
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Karl Richards

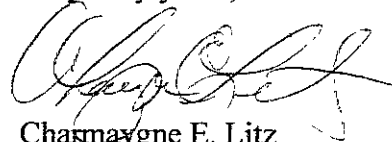
Re: Zoning Verification for TA# 01-01-18-001520, TM 95, Grid 21, Parcel 315
aka 711 Academy Road, Baltimore, Maryland 21228

Dear Mr. Richards:

Pursuant to our telephone conversation, enclosed please find the survey prepared by H. Malmud & Associates to be used in connection with the issuance of the zoning verification letter for the above-referenced property containing a 125 bed nursing home.

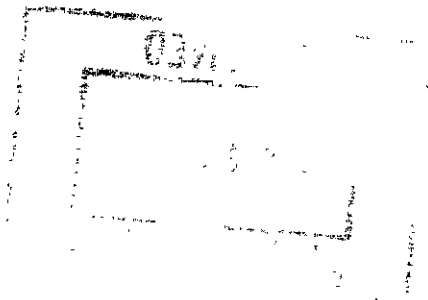
If you have any questions or comments, please do not hesitate to contact me directly at the number indicated above.

Very truly yours,



Charmayne E. Litz
Legal Assistant

cc: Patrick M. Shelley, Esquire



MICROFILMED

96-133-
SPHA

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~Stanley Blumenfeld~~

6919 Diana Rd Balto Md 21209

GEORGE SALABES

1045 TAYLOR AVE BALTO, MD, 21286

Cindy Gower

16 W 25th ST. BALT MD 21218

FRED THOMPSON

LPI INC. 16 W 25th ST 21218

Phyllis Friedman, Esq

409 Washington Ave. Ste 900 21204

Gary P. Aiken, Esq

409 Washington Ave. Ste 900 21204



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Dick Griffin
c/o Academy Heights Civic Assoc

P.O. Box 9337
Gatensville MD 21228

LPJ INC. CONSULTING ENGINEERS

16 WEST TWENTY-FIFTH ST.

BALTIMORE, MD 21218

TELE: 410-366-7800

FAX: 410-366-3835

FREDERICK J. THOMPSON, P.E.

Director of Civil Engineering

EDUCATION

Bachelor of Civil Engineering-1961-Villanova University

Master of Civil Engineering (Transportation)-1971-Villanova University

REGISTRATION

Maryland #7948 October 26, 1971

Pennsylvania 1966

Ohio 1971

Virginia 1971

Kentucky 1974

Florida 1975

Mississippi 1975

West Virginia 1976

District of Columbia 1976

Delaware 1977

Georgia 1978

New York 1984

North Carolina 1985

Connecticut 1985

Massachusetts 1988

Ret No 1

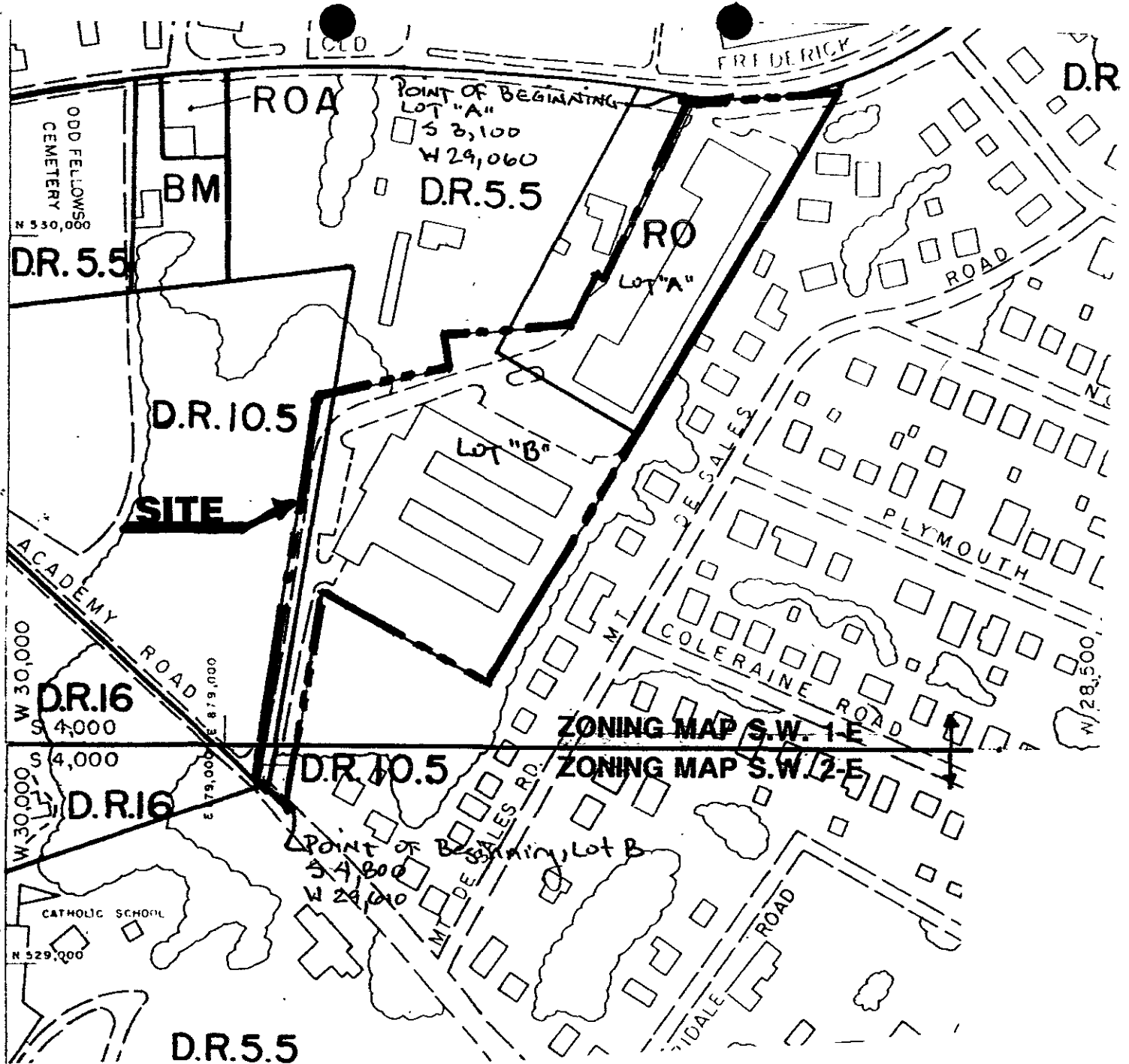
EXPERIENCE

Mr. Thompson has over thirty years of experience as a civil engineer. He has extensive experience in all phases of site engineering for a wide variety of private and public clients. He has qualified as an expert witness in Zoning and Board of Appeal Hearings in Baltimore County and other jurisdictions.

Mr. Thompson joined LPJ, Inc. over five years ago as the Director of Civil Engineering. During that time he has mainly concentrated on projects in Maryland, primarily in Baltimore County and Baltimore City. These projects encompass all aspects of site development, including plan processing and preparation of detailed development plans, grading, storm water management, sediment control, utilities, public works, and environmental issues. He also has experience with zoning issues such as variances and special exceptions.

Mr. Thompson also has seventeen years of experience with a major architectural-engineering firm on projects throughout the United States, including mixed use, retail, institutional, office, housing, recreational, and industrial developments. Additionally, he has ten years experience in transportation design and planning.

Mr. Thompson has Public Sector experience, including Master Planning with the Army corps of Engineers, both in the United States and Germany, and site design projects with numerous governmental agencies. He participated in the development of a formula to distribute \$100,000,000 of highway construction funds to the various Indian Nations, and led public meetings across the country on this issue.



Plot No 2

**ZONING MAP WITH LOCATION AND BOUNDARIES OF
THE FREDERICK VILLA NURSING CENTER
711 ACADEMY ROAD**

SCALE	LOCATION	SHEET	SHEET
1" = 200'	CATONSVILLE	S.W.	S.W.
DATE OF PHOTOGRAPHY		I-E	2-E
JANUARY 1986			

Michael D. Gambrill
Chief of Police



Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501

(410) 887-2214
Fax (410) 821-8887

INTEGRITY . . FAIRNESS . . SERVICE

December 8, 1995

Mary Ellen:

I have been able to gather the following statistics regarding 711 Academy Road.

In 1995 officers from Precinct One have responded to the location on ten occasions. No more than three of those calls required an emergency response.

Western Traffic has an on-going radar project on Academy Road. To this date in 1995 officers from Western Traffic have written 93 citations, including 39 for exceeding the posted speed limit. Also, 55 written warnings have been issued.

Officers from Precinct One also conducted traffic enforcement on Academy Road. It is unknown how many citations have been written by those officers.

Finally, during 1995 officers responded to seven vehicular accidents on Academy Road. I hope this information has been helpful for you.

Sincerely,

Prod No 1

Capt. Stephen P. Vaughan
PC-1 Patrol Commander



Red No 6

CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543Facsimile
(410)683-4079PROFESSIONAL
EXPERIENCEPreparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFP's, grant applications, selected consultants and administered contracts

WORK
EXPERIENCE2/88 to presentNORMAN E. GERBER, AICP, Cockeysville, MDPrincipal

Private practice as planning consultant specializing in land planning, preparation of land use regulations, property evaluation for potential use and expert testimony in zoning and development issues.

2/89 to 10/90The City of Laurel, Laurel, MD

The Office of Planning and Zoning

Director

Administered the planning program and enforced the zoning code.

9/80 to 1/88Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning

Director

Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

1977 to 1980

The Office of Planning and Zoning
Deputy Director
Designed and supervised the planning program.

1956 to 1977

The Office of Planning and Zoning
Various titles
Performed a variety of planning studies and services.

EDUCATION

Morgan State University, Baltimore, MD
Urban & Regional Planning Masters 1975

The Johns Hopkins University, Baltimore, Md
Bachelor of Science in Engineering, 1963
Minor: Civil Engineering

**PROFESSIONAL
SOCIETIES**1/69 to Present

American Planning Association
Past member of the Board of Directors and treasurer of the Maryland Chapter.

1/69 to Present

American Institute of Certified Planners

1975 to 1988

The Maryland Association of County Planning Officials
Past President and member of the Board of Directors

2/89 to 10/90

Technical Advisory Committee, the Patuxent River Commission

6/89 to 10/90

The Patuxent River Commission
Alternate Member (for the Mayor)

PERSONAL1985 to 1988

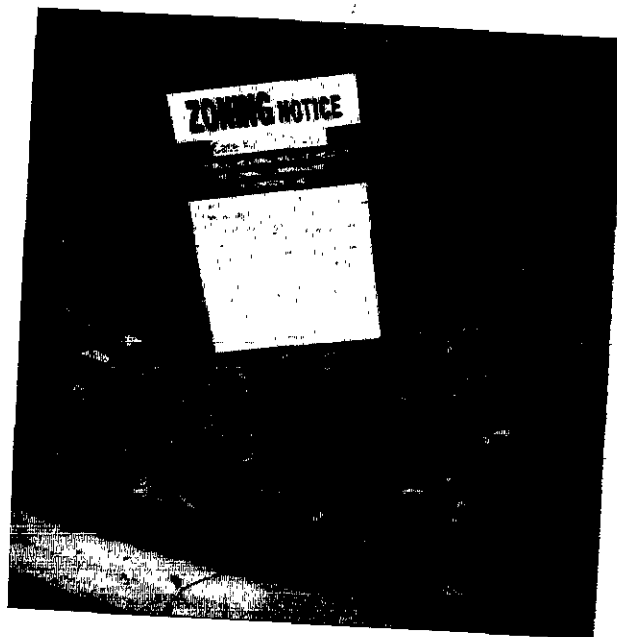
The University of MD at Baltimore
Advise on planning program

1992 to Present

The Baltimore County Commission for the Disabled, Vice Chairman of the Transportation Committee
Coordinates activities of providers of services.

REFERENCES

Furnished on request.









Petitioner's
Exhibits
4A-4C &
5A-5C

Case 96-133-SPNA

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - 1/3 Old Frederick * ZONING COMMISSIONER
Road, 682 SE of St. Agnes Lane * (711 Academy Road)
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 96-133-SPHA
Henry Reitberger *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Hearing and Variance for that property known as 711 Academy Road, located in the vicinity of St. Agnes Lane and the Baltimore National Pike in Catonsville. The Petitions were filed by the owner of the property, the Frederick Villa Associated Limited Partnership, by Henry Reitberger, President of the Frederick Villa Nursing Center, Inc., through Gary Aiken, Esquire, and Phyllis Friedman, Esquire. The Petitioner seeks approval of an amendment to the special exception granted in prior Case No. 70-54-RX to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244. In addition, the Petitioner seeks a variance from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two single-faced signs of 16 sq.ft. each (32 sq.ft. total) in lieu of the permitted one sign of 15 sq.ft. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 3.

Appearing at the hearing on behalf of the Petitions were Henry Reitberger, Frederick J. Thompson, Professional Engineer who prepared the site plan for this project, Norman E. Gerber, an expert witness and Urban Planner, and Phyllis Friedman and Gary Aiken, Esquires, attorneys for the

Petitioner. Appearing as a Protestant in the matter was Dirk Griffin, a representative of the Academy Heights Community Association.

Testimony and evidence offered revealed that the subject property consists of two parcels with a combined area of approximately 5.3 acres, more or less, split zoned D.R. 5.5, D.R. 10.5, and R.O. Parcel A of the property is improved with a one-story medical/office building, and Parcel B, with a one-story nursing home which was approved on April 20, 1970 pursuant to the special exception granted in prior Case No. 70-54-RX. The Petitioner seeks to amend the special exception granted in the prior case to permit a second story addition to the existing nursing home as shown on the site plan marked as Petitioner's Exhibit 3. Presently, the building has four wings and accommodates 125 patients. The proposed improvements will provide accommodations for 224 beds. Mr. Reitberger described the current operation and indicated that the proposed improvements will modernize and upgrade the existing facility. Mr. Reitberger testified that there would be approximately 30 to 35 more employees per shift; however, the use and operation on the site would remain roughly the same. Mr. Reitberger further indicated that he has spoken with the adjoining neighbors and that no one has voiced any opposition to the proposed improvements.

Mr. Frederick Thompson testified as to the current use and improvements on the site and opined that the proposed second story addition would not adversely impact the surrounding locale. Mr. Thompson testified that this project is exempt from the development review process and that it has, in fact, been given an exemption from the Development Review Committee (DRC) in view of the special exception relief previously granted. Mr. Thompson indicated that additional landscaping would be provided

- 2 -

and that a landscape plan would be submitted for review. Lastly, Mr. Thompson addressed the special exception standards of Section 502.1 of the B.C.Z.R. and stated that, in his opinion, the proposed improvements comply with those standards and will not result in any detriment to the surrounding locale. Mr. Thompson further testified that the proposed improvements may be built in phases to minimize construction impacts on the surrounding community and therefore, requested a period of five years from the date of final approval in which to complete the project.

Mr. Norman Gerber, former Director of the Baltimore County Office of Planning and Zoning, and now an expert witness in urban planning, testified that the need for the variances is due to the fact that this property is accessed by two major roads, namely Frederick Road on the north side and Academy Road on the south side. Photographs entered into evidence as Petitioner's Exhibits 4A through 4C and 5A through 5C show that the entrance to this site from Academy Road is difficult to see due to the topography of the land and existing vegetation in the area. It was Mr. Gerber's opinion that the proposed signs are appropriate given these site constraints to adequately identify the use of the site.

Mr. Dirk Griffin, a representative of the Academy Heights Community Association, appeared and testified, not so much in opposition to the proposed improvements, but out of concern for traffic in the general area. Mr. Griffin testified that traffic is sometimes congested and he is concerned about future operations on the subject site and its impact on existing traffic conditions.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing to approve an amendment to the previously approved special exception and variance relief were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R. and will not result in any detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of January, 1996 that the Petition for Special

- 4 -

Hearing to approve an amendment to the special exception granted in prior Case No. 70-54-RX to permit a second story addition to the existing nursing home and increase the number of beds from 125 to 244, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 413 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two single-faced signs of 16 sq.ft. each (32 sq.ft. total) in lieu of the one sign of 15 sq.ft., in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any use permits, the Petitioner shall submit a schematic landscape plan for review and approval by Avery Harden, Landscape Architect for Baltimore County.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall have five (5) years from the date of this Order in which to complete the proposed project.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 29, 1996

Gary Aiken, Esquire
Phyllis Friedman, Esquire
409 Washington Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
5/3 Old Frederick Road, 682 SE of St. Agnes Lane
(711 Academy Road)
1st Election District - 1st Councilmanic District
Henry Reitberger - Petitioner
Case No. 96-133-SPHA

Dear Mr. Aiken and Ms. Friedman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Messrs. Henry Reitberger and Howard Blumenfeld, Frederick Villa Assoc. Ltd. Part., 711 Academy Road, Baltimore, Md. 21229

Mr. Frederick J. Thompson and Ms. Cindy A. Gover
LPI, Inc., 16 West 25th Street, Baltimore, Md. 21218

Mr. Dirk Griffin, Academy Heights Community Association
P.O. Box 9337, Catonsville, Md. 21228

People's Counsel; Case File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 711 Academy Road
which is presently zoned D.R.5.5 & R.O.

This Petition shall be filed with the Department of Permits & Development Management
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve.

An amendment to Existing Special Exception (70-54-RX), which permits a nursing home in an R-6 Zone. Special Exception must be amended to permit a second story addition to the existing nursing home, and increase the number of beds from 125 to 244. Amendment will not adversely affect health, safety, or general welfare of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):

(Type or Print Name)

Signature

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmilandacq@co.ba.md.us

July 8, 1999

GMAC Commercial Mortgage Corporation
650 Dresher Road
P.O. Box 1015
Horsham, Pennsylvania 19044-8015

To Whom It May Concern:

RE: Zoning Verification, 711 Academy Road, Parcel B, 3.7 acres +/-,
Convalescent (Nursing) Home, (the "Project"), Case #'s 70-54-RX,
96-133-SPHA, 1st Election District

This zoning verification responds to your letter and plan received on
6/25/99. The responses are based on your information and a review of the
zoning records.

1. Current Zoning: The land on which the Project is constructed is zoned
D.R.5.5 (Density Residential, 5.5 dwelling units per acre) with a small
R.O. (Residential-Office, 5.5 dwelling units per acre) zoned strip of area
along the northern-most boundary and is subject only to the use
restrictions generally applicable to that classification which are
contained in the Baltimore County Zoning Ordinance.

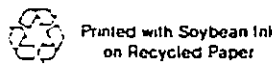
2. Conformance with Current Zoning Requirements: Based on the materials
available from our records, we have no reason to believe that either the
use of the Property or the improvements thereon are nonconforming.

3. Right to Rebuild Following Casualty: In the event of casualty, the Project
may be rebuilt substantially in its current form (i.e., no loss of square
footage, same building footprint) upon satisfaction of the following
conditions and or limitations:

As approved in zoning case #70-54-RX or if the choice is made to go
forward with the development as approved in zoning case #96-133-SPHA,
then pursuant to that site plan and Order.

4. No Further Approvals or Licenses Required: The current use of the
Project by its present owners for a 125 bed convalescent (nursing) home as
approved in cases #70-54-RX and 96-133-SPHA is a permitted use under the
Zoning Ordinance without the necessity of any rezoning, special
exceptions, use permit, variance or other approval, other than those
previously referenced. We are not aware of any other permit or license
required by this jurisdiction that a purchaser must obtain before it may
acquire the Project or before the Project may continue to be used in the

Come visit the County's Website at www.co.ba.md.us



GMAC Commercial Mortgage Corporation
July 8, 1999
Page 2

manner in which it is presently being used. This is with the
understanding that should case #96-133-SPHA approval be utilized (for up
to 244 beds), new construction will require other county (etc.) reviews
and permitting approvals.

5. Parking: The required number of parking spaces for this Property is per
case #70-54-RX, which is 1 space per 10 beds. Once case #96-133-SPHA is
utilized, 176 parking spaces are required pursuant to the approved plan.

6. No Applications Pending: To the best of my knowledge, no application for
rezoning of the Project, or for a special or conditional use permit or
variance in connection with the Project, is now pending. No proceeding to
challenge the zoning, or other governmental approval or use of the Project
is pending, or, to the best of our knowledge, overtly threatened.

7. Certificates of Occupancy Issued: We are unable to locate a certificate
of occupancy for the Project from our records. We have no reason to
believe, however, that one was not properly issued and the absence of a
certificate of occupancy under such circumstances would not give rise to
any enforcement action affecting the Project.

8. No Violations; All Development-Related Fees Paid: We are unaware of (i)
the existence of any violations or alleged violations of any zoning,
subdivision, building or similar ordinances or regulations applicable to
the Project within the past three years, or (ii) any enforcement
proceedings against the Project that are pending or contemplated. Due to
the age of the Project (from the 1970's), we feel assured that all fees
required have been paid in connection with the development and use of the
Project, including any impact-related fees, have been paid, and no such
fees which would have applicability to the Project are otherwise pending
or contemplated.

I trust that the information set forth in this letter is sufficiently
detailed and responsive to the request. If you need further information or
have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:ggg

Enclosure

c: Case Numbers: 70-54-RX and 96-133-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060110

DATE 6/25/99 ACCOUNT 701-0150

AMOUNT \$ 40.70 (TTL)

RECEIVED FROM McGuire Woods Battle & Bothe

FOR 711 Academy Road

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

McGUIREWOODS
BATTLE & BOOTHE LLP

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

Direct Dial: 410-659-4425
Direct Fax: 410-659-4475

June 23, 1999

VIA TELECOPY (410-887-5708)

Baltimore County, Maryland
Zoning Department
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Arnold Jablon

Re: Zoning Verification for TA# 01-01-18-001520, TM 95, Grid 21, Parcel 315
aka 711 Academy Road, Baltimore, Maryland 21228

Dear Mr. Jablon:

I would like to request that the Department of Zoning to issue a zoning verification letter
in substantially the form attached hereto for the above-referenced property.

The above property is scheduled to close on June 29, 1999. Please call me upon receipt
of this request so that we can discuss a method of expedited delivery (i.e., telecopy or
overnight). Although the zoning verification letter is addressed to the GMAC, the original will
need to be forwarded directly to the undersigned at the above-referenced address.

If you have any questions or comments, please do not hesitate to contact me directly at
the number indicated above.

Very truly yours,

Charmayne E. Litz
Charmayne E. Litz
Legal Assistant

cc: Patrick M. Shelley, Esquire

www.mwbb.com

ALBANY • ATLANTA • BALTIMORE • BRUNSWICK • CHARLOTTE • CHARLOTTESVILLE • CHICAGO • JACKSONVILLE • MOSCOW • NORFOLK • RICHMOND • TYSONS CORNER • WASHINGTON • ZEPHUR (OF GERMANY)

McGUIREWOODS
BATTLE & BOOTHE LLP

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

Direct Dial: 410-659-4425
Direct Fax: 410-659-4475

June 25, 1999

VIA HAND DELIVERY

Baltimore County, Maryland
Zoning Department
111 W. Chesapeake Avenue, Room 111
Towson, Maryland 21204
Attn: Karl Richards

Re: Zoning Verification for TA# 01-01-18-001520, TM 95, Grid 21, Parcel 315
aka 711 Academy Road, Baltimore, Maryland 21228

Dear Mr. Richards:

Pursuant to our telephone conversation, enclosed please find the survey prepared by H.
Malmud & Associates to be used in connection with the issuance of the zoning verification letter
for the above-referenced property containing a 125 bed nursing home.

If you have any questions or comments, please do not hesitate to contact me directly at
the number indicated above.

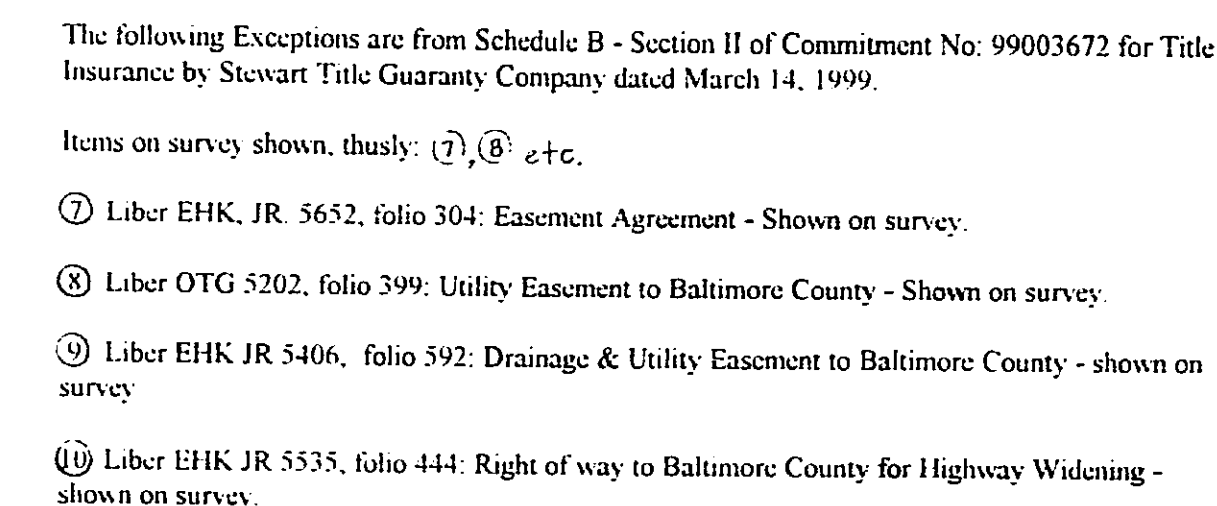
Very truly yours,

Charmayne E. Litz
Charmayne E. Litz
Legal Assistant

cc: Patrick M. Shelley, Esquire

www.mwbb.com

ALBANY • ATLANTA • BALTIMORE • BRUNSWICK • CHARLOTTE • CHARLOTTESVILLE • CHICAGO • JACKSONVILLE • MOSCOW • NORFOLK • RICHMOND • TYSONS CORNER • WASHINGTON • ZEPHUR (OF GERMANY)



I, HERBERT MAHMOUD, A FULLY LICENSED LAND SURVEYOR BY THE STATE OF MARYLAND, DO HEREBY CERTIFY TO YOU AND STEWART TITLE GUARANTY COMPANY THAT (I) THIS SURVEY IS TRUE AND CORRECT, WAS MADE ON THE GROUND, CORRECTLY SHOWS THE BOUNDARY LINES, DIMENSIONS AND AREA OF THE LAND AND INDICATED HEREON, CORRECTLY SHOWS, EXCEPT AS NOTED, THE LOCATION OF ALL EASEMENTS, ALLEYS, STREETS, STREAMS, ROADS AND RIGHTS-OF-WAY AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE LEGAL DESCRIPTION IN SUCH EASEMENTS AND OTHER MATTERS; (II) EXCEPT AS SHOWN, THERE ARE NO EASEMENTS, RIGHTS-OF-WAY, EASY WAYS, VISIBLE ULS, STREAMS, CONFLICTS, OR OTHER MATTERS OF RECORD OF WHICH THE UNDERSIGNED HAS BEEN ADVISED AFFECTING THE SUBJECT PROPERTY; THERE ARE NO ENCROACHMENTS OR PROTRUSIONS INTO ADJOINING PREMISES, STREETS OR ALLEYS, BY ANY BUILDINGS, STRUCTURES OR OTHER IMPROVEMENTS SITUATED ON THE SUBJECT PROPERTY; (III) THE DISTANCE FROM THE NEAREST INTERSECTING STREET AND ROAD TO THE SUBJECT PROPERTY IS AS SHOWN HEREON, AND (IV) EXCEPT AS SHOWN, NO PART OF THE SUBJECT PROPERTY IS WITHIN AN AREA DESIGNATED ON A FEDERAL FLOOD INSURANCE MAP AS BEING SPECIAL FLOOD HAZARDS EXCEPT AS SHOWN

LEGEND

D.S. = DOWN SLOPE

||||| = STORM DRAIN INLET

→ = DIRECTION OF STORM DRAINAGE RUNOFF

Scale: 1" = 30' April 27, 1999
Job # 8958 Ref. 4111

Prepared by:
H. Malmud & Associates, Inc.
100 Church Lane
Baltimore, Maryland 21208
Telephone 410 653-9511

DATE _____

HERBERT MALMUD
REGISTERED LAND SURVEYOR
MARYLAND # 7558

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Oct. 13, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for October 10, 1995
Item No. 132

The Development Plans Review Division has reviewed the subject zoning item. If this Special Exception is granted, the entire site becomes subject to the Landscape Manual requirements. A schematic landscape plan should be submitted for review, prior to the Special Hearing.

RWB:sw

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 7, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
Item No. 132 Revised

The Development Plans Review Division has reviewed the subject zoning item again and revised our comments as follows:

The schematic plan has been submitted and is generally acceptable for the purposes of this hearing. Specific landscape issues will be addressed in more detail later in the process.

RWB:EAB:sw



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 132 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: October 11, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 711 Academy Road

INFORMATION:

Item Number: 132
Petitioner: Frederick Villa., Ltd. Partnership
Property Size: _____
Zoning: DR-5.5 & 10.5
Requested Action: Special Hearing
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

On October 10, 1995, the Development Review Committee recommended that a limited exemption (A7) be approved. Based upon the information provided, staff offers no additional comments.

Prepared by: Jeffrey M. Long

Division Chief: Paul J. Lewis

PK/JL

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: October 25, 1995
TO: Hearing Officer
FROM: Joseph C. Merrey
Planner I, PDM
SUBJECT: Item #132
711 Academy Road

Applicant was advised that the zoning commissioner may calculate the brick and mortar portion of the structure as signage, which would increase the variance request. See attached policy section.

JCM:scj

ZONING COMMISSIONER'S POLICY MANUAL

POLICIES BY TYPE OF SIGN

INFORMATION/IDENTIFICATION SIGNS (CLASSES 1-10):

COMMUNITY SIGNS (Class 1): Buildings

Community building type uses, i.e., hospitals, conservatories, community care centers, volunteer fire company, public utility, cemeteries, and airports will be considered under Section 411.1.a and are allowed 15 square feet of signage; 12 in the judgment of the Zoning Commissioner the use is public or quasi-public in nature.

See the following cases: 83-10ASPH.

COMMUNITY SIGNS (Class 1): Residential Subdivisions only

- Signage (wording) shall be contained on a single panel or plaque with the square footage indicated (Maximum 15 square feet allowed).
- The signage shall be distinct and recognizable from the supporting structure.
- All materials and colors shall be specified.
- Landscape shall be provided in conjunction with the sign and clearly indicated on the plan.
- Perspective drawings showing the sign relative to the subdivision entrance shall be provided.
- All dimensions and areas shall be shown on the plan.
- Signs shall not be internally illuminated.
- Covenants outlining maintenance responsibility shall be provided.



Sign size = 3 ft. x 5 ft. = 15 square feet

Nonresidential Signs (Class 3):

Signs in residential zones (not including R.O. - office use) for uses not specifically listed under Section 413 B.C.D.M., including:

- | | |
|------------------------|------------------------|
| convalescent homes | private day care |
| boarding/rooming homes | boat yards |
| camp, day camps | marinas |
| fishery, shell fishing | riding stables |
| funeral establishments | hennels |
| vacationers' office | animal boarding places |

and other nonresidential uses permitted as of right or by Special Exception are limited to a one square foot sign, unless in the judgment of the Zoning Commissioner the sign is generic (without advertising) and/or public or quasi-public in nature, under Section 411.1.a.

Directory Signs (Class 5):

Directory signs may be erected, subject to the following special conditions:

- The lettering on a directory sign indicating the names and locations of occupants may not be larger than one inch high; other lettering may not be larger than three inches high.
- In an O-1, O-2, O-3, M-2, M-3, or M-4 zone, a directory sign is allowed only if at least 75% of the tenants or functions have independent outside access to the building.

APPROVED MAY 13 1992 4-69.5

PETITION PROBLEMS

#124 -- JCM

- No section number or wording on petition form. Variance for what???

#125 -- JRA

- No zoning indicated on petition form.

#126 -- JRA

- Notary section is incomplete.

#127 -- JRA

- Need title of person signing for legal owner.
- Need authorization for person signing for legal owner.

#132 -- MJK

- Plat says legal owner is "Frederick Villa Associates, Limited Partnership". Petition says legal owner is "Henry Reiberger". Which is correct??

Please send notice of
rescheduled date for
hearing of case 96-133-SPH
(item 132) to: Patricia Dorian
Catonville Times
Catonville, MD
Re: Frederick Villa
Nursing Center 21228

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE * ZONING COMMISSIONER
711 Academy Rd (Frederick Villa Nursing *
Center), 5/8 Old Frederick Road, 682' * OF BALTIMORE COUNTY
SE of c/l St. Agnes Lane, 1st Election *
District, 1st Councilmanic * CASE NO. 96-133-SPHA
Frederick Villa Assoc. Ltd. Partnership *
Petitioner *

AMENDED ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carol S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2185

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 1995, a copy of the foregoing Amended Entry of Appearance was mailed to Gary Aiken, Esquire and Phyllis Friedman, Esquire, Friedman & Friedman, 409 Washington Avenue, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>John G. [illegible]</i>	<i>PO Box 9337</i>
<i>John [illegible]</i>	<i>Green M [illegible]</i>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Sammy Blumenthal</i>	<i>697 Diana Rd Balto Md 21209</i>
<i>CECILE [illegible]</i>	<i>1645 INGLE AVE BALTO MD 21206</i>
<i>Cindy Gower</i>	<i>16 W 25th St Balto MD 21218</i>
<i>Red Thompson</i>	<i>LPI MC 16 W 25th St 21218</i>
<i>Phyllis Friedman, Esq</i>	<i>409 Washington Ave Ste 900 21204</i>
<i>Gary P Aiken, Esq</i>	<i>409 Washington Ave Ste 900 21204</i>

LPJ INC. CONSULTING ENGINEERS
16 WEST TWENTY-FIFTH ST. BALTIMORE, MD 21218 TELE: 410-366-7800 FAX: 410-366-3635
FREDERICK J. THOMPSON, P.E.
Director of Civil Engineering

EDUCATION
Bachelor of Civil Engineering-1951-Villanova University
Master of Civil Engineering (Transportation)-1971-Villanova University

REGISTRATION
Maryland #7948 October 26, 1971
Pennsylvania 1966

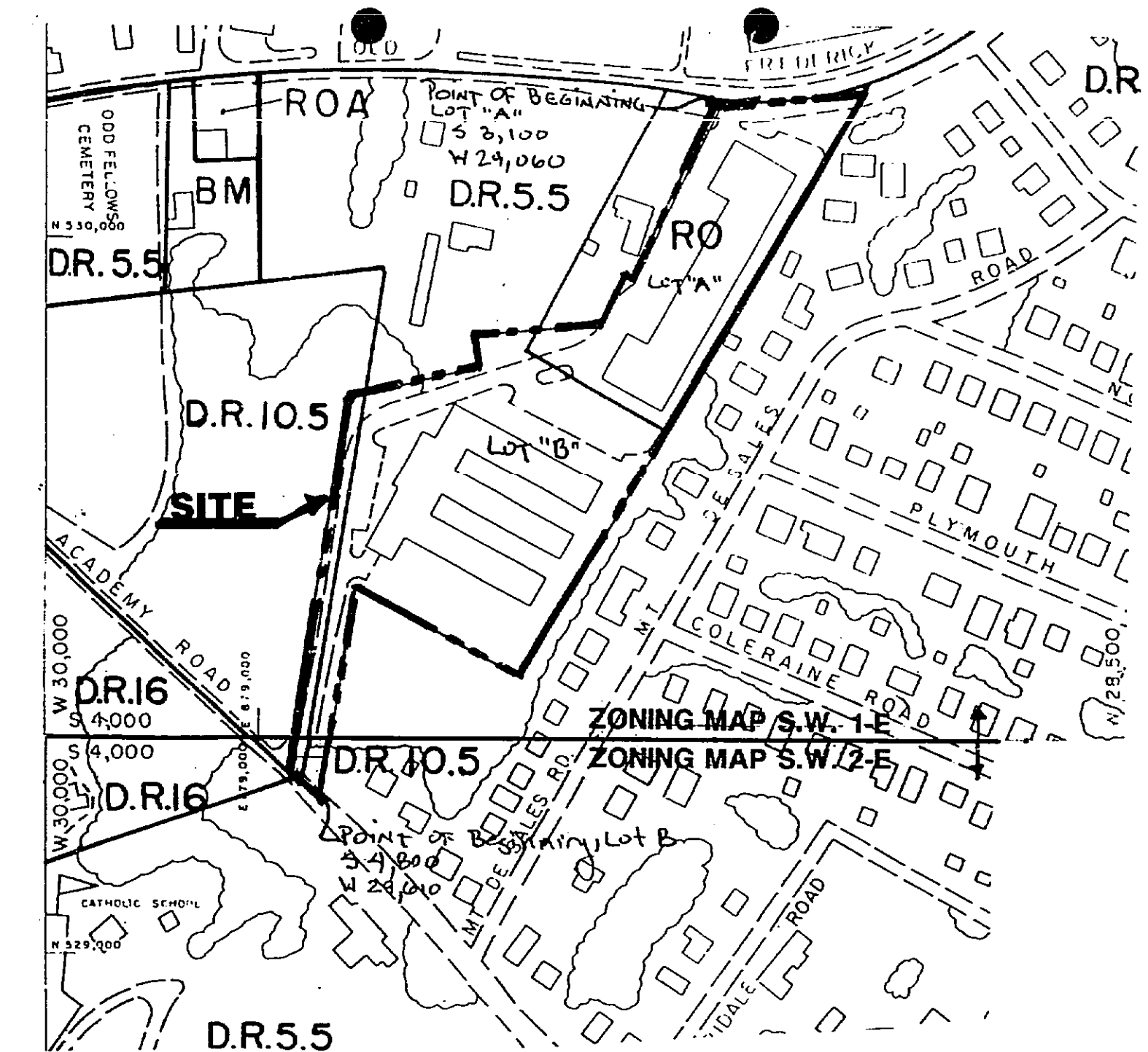
Ohio 1971
Virginia 1971
Kentucky 1974
Florida 1975
Mississippi 1975
West Virginia 1976
District of Columbia 1976
Delaware 1977
Georgia 1978
New York 1984
North Carolina 1985
Connecticut 1985
Massachusetts 1988

EXPERIENCE
Mr. Thompson has over thirty years of experience as a civil engineer. He has extensive experience in all phases of site engineering for a wide variety of private and public clients. He has qualified as an expert witness in Zoning and Board of Appeal Hearings in Baltimore County and other jurisdictions.

Mr. Thompson joined LPJ, Inc. over five years ago as the Director of Civil Engineering. During that time he has mainly concentrated on projects in Maryland, primarily in Baltimore County and Baltimore City. These projects encompass all aspects of site development, including plan processing and preparation of detailed development plans, grading, storm water management, sediment control, utilities, public works, and environmental issues. He also has experience with zoning issues such as variances and special exceptions.

Mr. Thompson also has seventeen years of experience with a major architectural-engineering firm on projects throughout the United States, including mixed use, retail, institutional, office, transportation design and planning.

Mr. Thompson has Public Sector experience, including Master Planning with the Army Corps of Engineers, both in the United States and Germany, and site design projects with numerous governmental agencies. He participated in the development of a formula to distribute \$100,000,000 of highway construction funds to the various Indian Nations, and led public meetings across the country on this issue.



ZONING MAP WITH LOCATION AND BOUNDARIES OF
THE FREDERICK VILLA NURSING CENTER
711 ACADEMY ROAD

SCALE	LOCATION	SHEET	SHEET
1" = 200'	CATONSVILLE	SW	SW
DATE OF PHOTOGRAPHY JANUARY 1986		1-E	2-E

Michael D. Gambrell
Chief of Police



Baltimore County Police
Headquarters
700 East Joppa Road
Towson, Maryland 21286-5501
(410) 887-2214
Fax (410) 821-8887

INTEGRITY... FAIRNESS... SERVICE

December 8, 1995

Mary Ellen:

I have been able to gather the following statistics regarding 711 Academy Road.

In 1995 officers from Precinct One have responded to the location on ten occasions. No more than three of those calls required an emergency response.

Western Traffic has an on-going radar project on Academy Road. To this date in 1995 officers from Western Traffic have written 93 citations, including 39 for exceeding the posted speed limit. Also, 55 written warnings have been issued.

Officers from Precinct One also conducted traffic enforcement on Academy Road. It is unknown how many citations have been written by those officers.

Finally, during 1995 officers responded to seven vehicular accidents on Academy Road. I hope this information has been helpful for you.

Sincerely,

Capt. Stephen P. Vaughan
PC-1 Patrol Commander

Nationally Accredited Since 1984

NORMAN GERBER

TEL: 410-666-1561

Dec 03 95 23:41 No.001 P.02

CURRICULUM VITAE

NORMAN E. GERBER, AICP

35 Pickburn Court Cockeysville, MD 21030

Business
(410)667-4543

Facsimile
(410)683-4079

PROFESSIONAL EXPERIENCE

Preparation of Master Plans and Land Use Regulations

Prepared comprehensive, policy, small-area, facility and revitalization plans, capital programs and capital budgets.

Prepared zoning and development ordinances, agricultural land preservation and historic district regulations and growth management programs.

Conducted demographic, transportation, economic and market studies.

Implementation of Plans and Programs

Reviewed and approved new development.

Enforced zoning, agricultural and historic preservation regulations.

Negotiated plan and facilities projects with community groups, local and state legislative bodies and private sector business.

Other

Testified before local, state and national boards, commissions and legislatures on the behalf of plans and programs.

Testified before boards of appeals, circuit courts and the U. S. Tax Court of Appeals on land use issues.

Prepared RFPs, grant applications, selected consultants and administered contracts.

WORK EXPERIENCE

2/88 to present

NORMAN E. GERBER, AICP, Cockeysville, MD

Principal
Private practice as planning consultant specializing in land planning, preparation of land use regulations, feasibility evaluation for potential use and expert testimony in zoning and development issues.

2/82 to 10/90

The City of Laurel, Laurel, MD

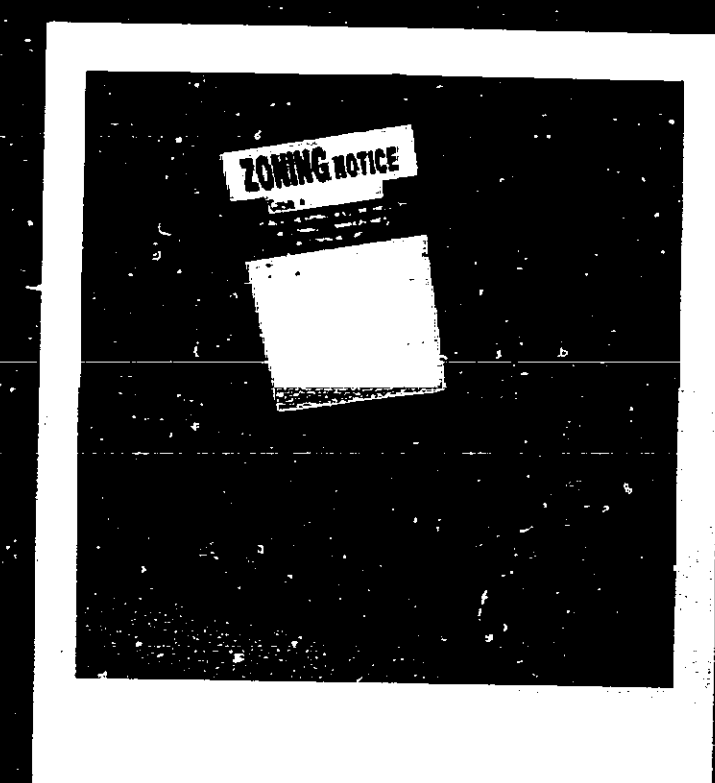
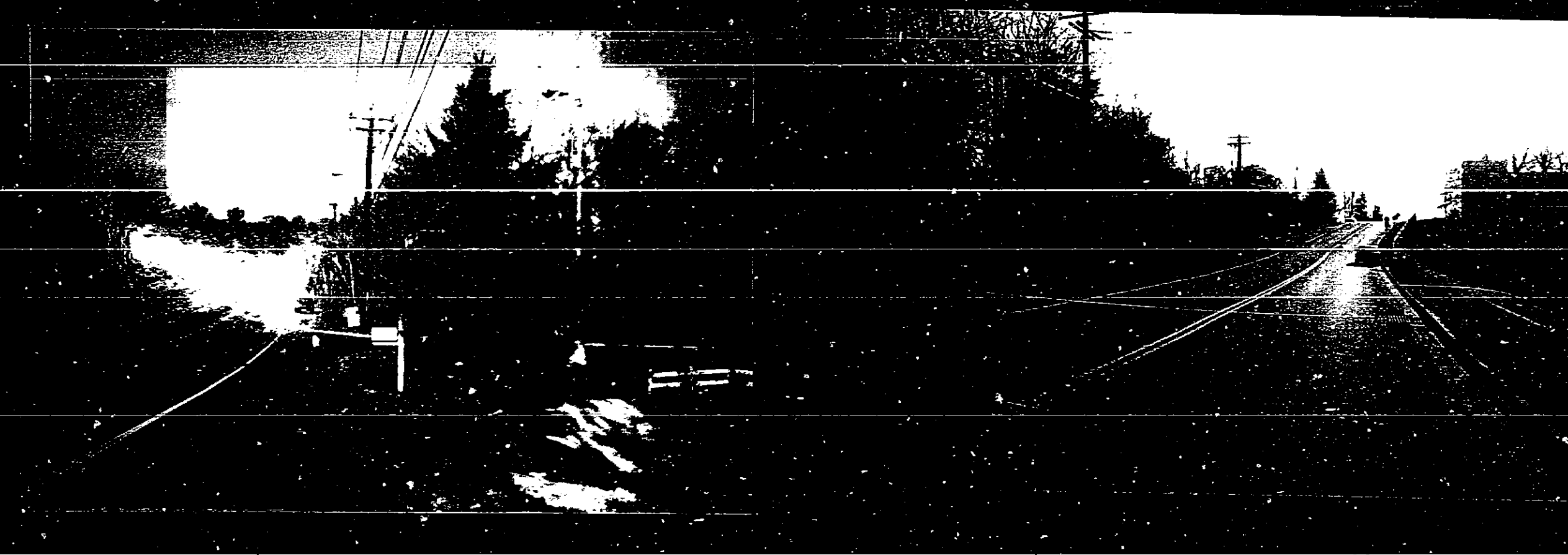
The Office of Planning and Zoning
Director
Administered the planning program and enforced the zoning code.

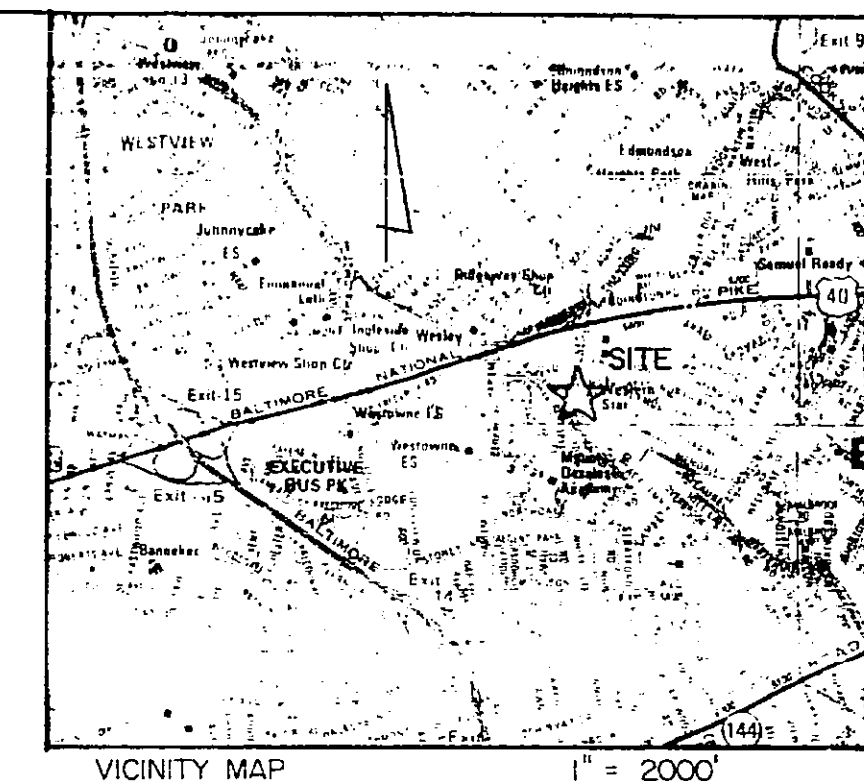
9/80 to 1/88

Baltimore County, Baltimore County Maryland

The Office of Planning and Zoning
Director
Administered the planning program, and the budgets of the Office of Zoning and the Peoples Council. Baltimore County Baltimore County Maryland The Office of Planning and Zoning

Petitioner's Exhibits
4A-4C & 5A-5C
Case 96-133-SPHA





LPJ INC.
CONSULTING ENGINEERS
• STRUCTURAL
• CIVIL
18 West 25th Street
Baltimore, Maryland 21218
(410) 366-7800

NELSON-SALABES, INC.
ARCHITECTS
PLANNERS
1008 Taylor Avenue, Suite 200
Baltimore, Maryland 21204

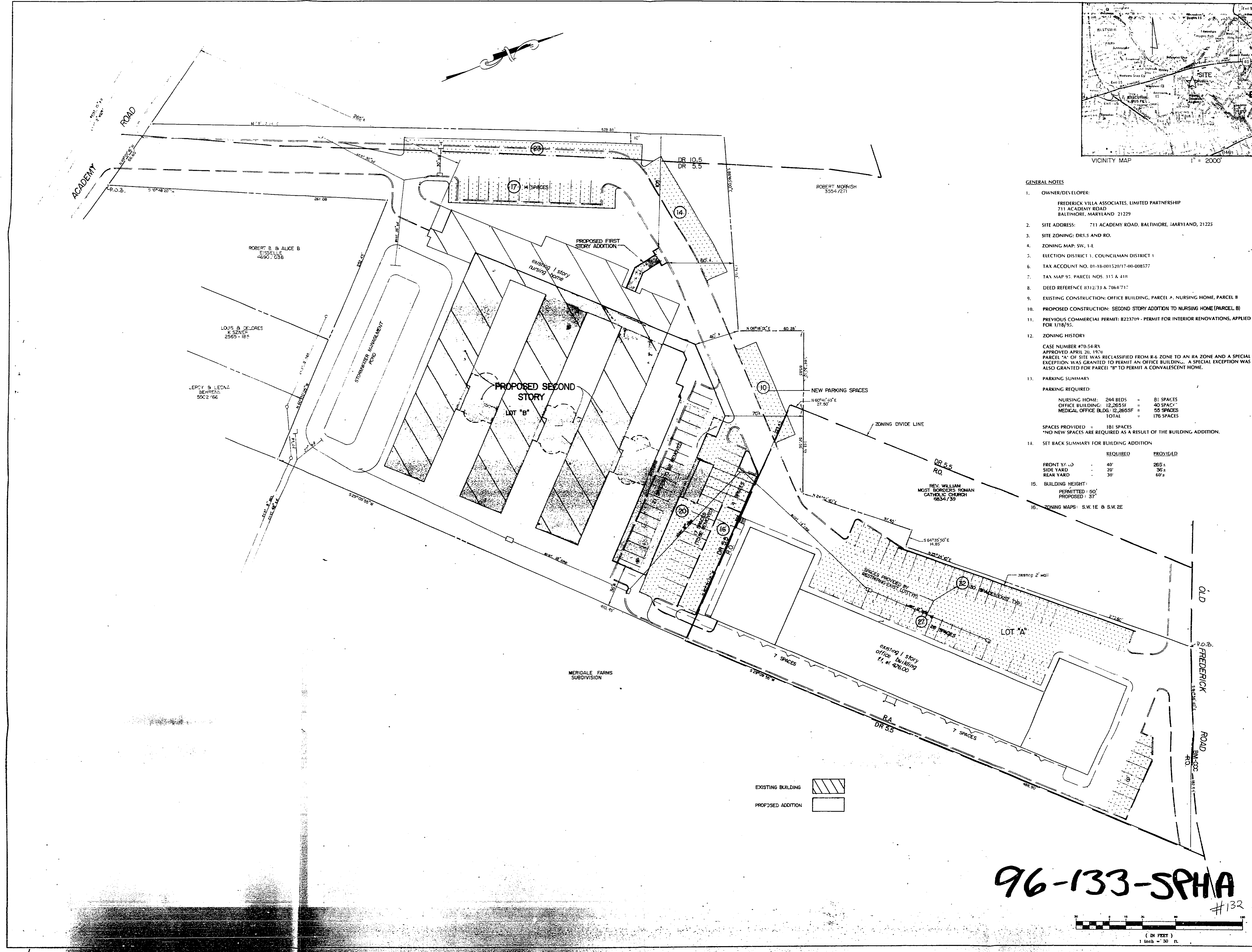


**ADDITION & ALTERATIONS
to the
FREDERICK VILLA NURSING CENTER**
711 ACADEMY ROAD BALTIMORE, MD 21228

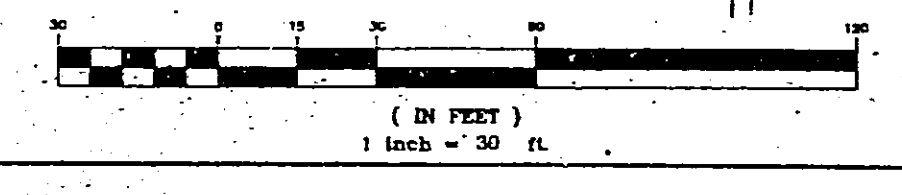
- GENERAL NOTES**
- OWNER/DEVELOPER:
FREDERICK VILLA ASSOCIATES, LIMITED PARTNERSHIP
711 ACADEMY ROAD
BALTIMORE, MARYLAND 21229
 - SITE ADDRESS: 711 ACADEMY ROAD, BALTIMORE, MARYLAND, 21229
 - SITE ZONING: DR5.5 AND RO.
 - ZONING MAP: SW, 1-E
 - ELECTION DISTRICT 1, COUNCILMAN DISTRICT 1
 - TAX ACCOUNT NO. 01-18-00152017-00-008577
 - TAX MAP 95, PARCEL NOS. 315 & 418
 - DEED REFERENCE B312/31 & 7064/717
 - EXISTING CONSTRUCTION: OFFICE BUILDING, PARCEL A, NURSING HOME, PARCEL B
 - PROPOSED CONSTRUCTION: SECOND STORY ADDITION TO NURSING HOME (PARCEL B)
 - PREVIOUS COMMERCIAL PERMIT: B223709 - PERMIT FOR INTERIOR RENOVATIONS, APPLIED FOR 1/18/95.
 - ZONING HISTORY:
CASE NUMBER #70-54-RV
APPROVED APRIL 20, 1979
PARCEL "A" OF SITE WAS RECLASSIFIED FROM R-6 ZONE TO AN RA ZONE AND A SPECIAL EXCEPTION WAS GRANTED TO PERMIT AN OFFICE BUILDING. A SPECIAL EXCEPTION WAS ALSO GRANTED FOR PARCEL "B" TO PERMIT A CONVALESCENT HOME.
 - PARKING SUMMARY:
PARKING REQUIRED:
NURSING HOME: 244 BEDS = 81 SPACES
OFFICE BUILDING: 12,285 SF = 40 SPACES
MEDICAL OFFICE BLDG: 16,265 SF = 55 SPACES
TOTAL = 176 SPACES

SPACES PROVIDED = 181 SPACES
*NO NEW SPACES ARE REQUIRED AS A RESULT OF THE BUILDING ADDITION.
 - SET BACK SUMMARY FOR BUILDING ADDITION:

	REQUIRED	PROVIDED
FRONT YARD	40'	265'±
SIDE YARD	20'	36'±
REAR YARD	30'	60'±
 - BUILDING HEIGHT:
PERMITTED: 50'
PROPOSED: 37'
 - ZONING MAPS: S.W. 1E & S.W. 2E

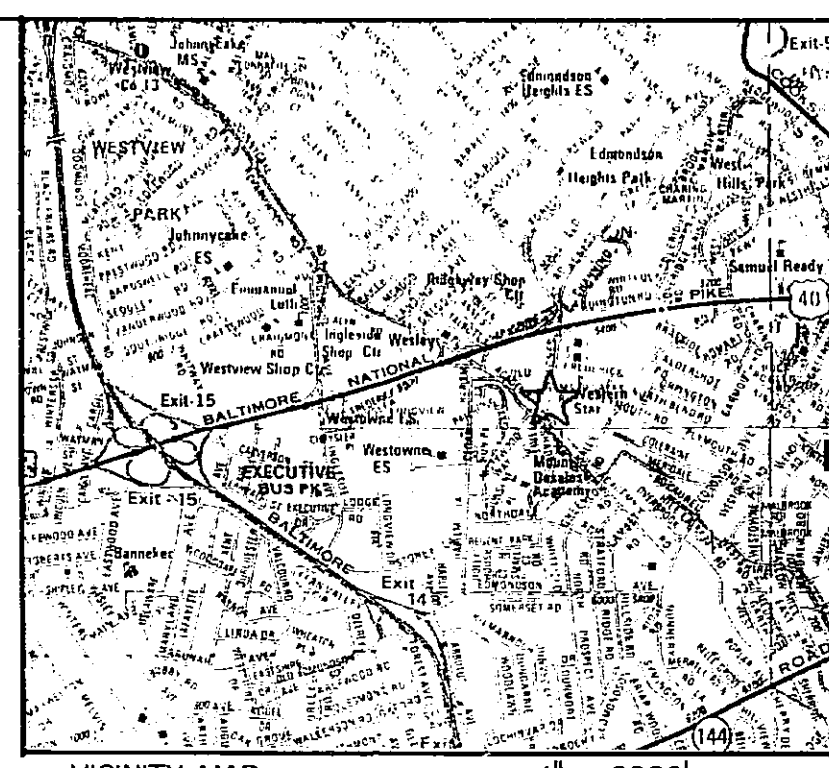


96-133-SPHA
#132



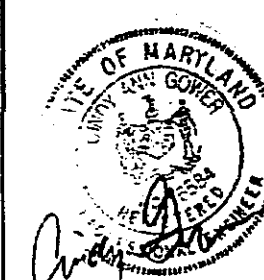
Revisions
Sheet Title PLAN ACCOMPANY PETITION FOR A SPECIAL HEARING for FREDERICK VILLA NURSING HOME
Job No. 0394
Sheet No. C-1
Date 8-23-95

LPJ FILE NO. PLOT DATE



NELSON-SALABES, INC.
ARCHITECTS PLANNERS

045 Taylor Avenue, Suite 208 • Baltimore, Maryland 21204

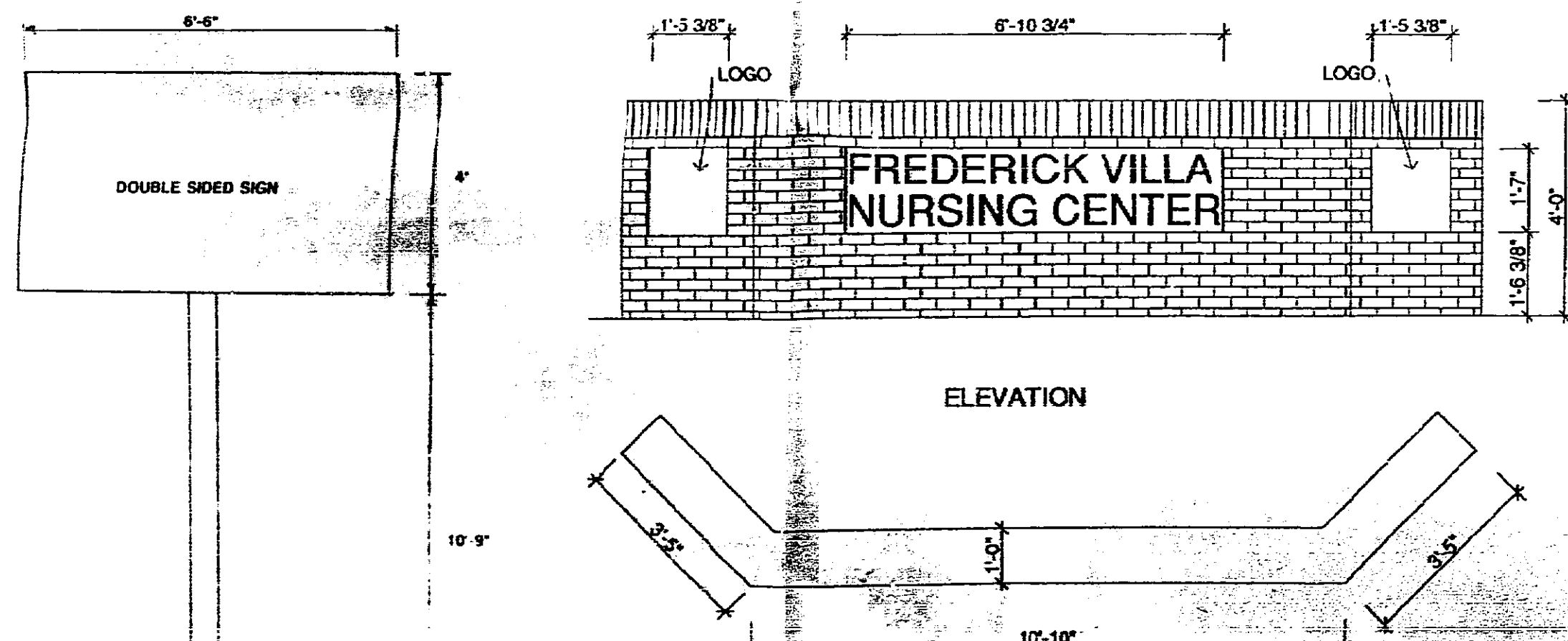
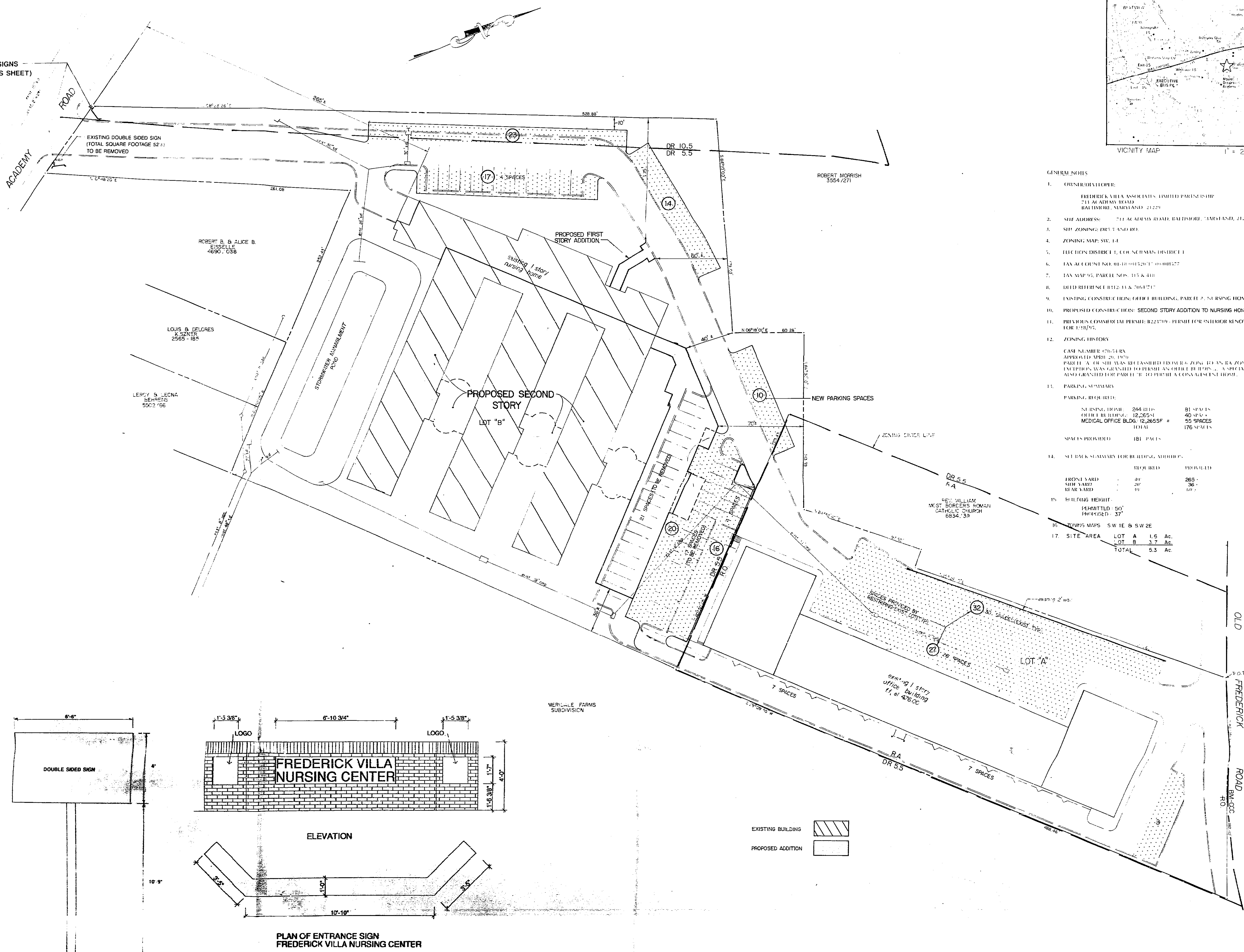


Revisions
10-25-55 Added Syn

Date 8-23-95

3-3-95
PLOT DATE

PROPOSED SIGNS
(SEE DETAIL THIS SHEET)

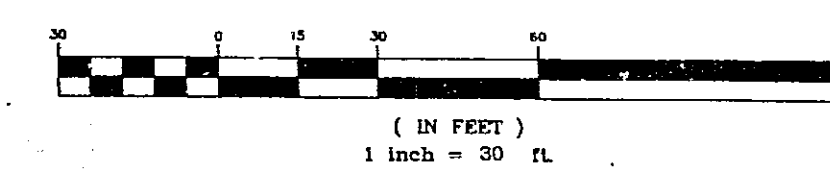


PLAN OF ENTRANCE SIGN
FREDERICK VILLA NURSING CENTER
SCALE: 1/2"=1'-0"

TWO SIGNS REQUIRED. TOTAL AREA OF SIGNS 32'±.

GENERAL NOTES

1. OWNER/DEVELOPER:
FREDERICK VILLA ASSOCIATES, LIMITED PARTNERSHIP
711 ACADEMY ROAD, BALTIMORE, MARYLAND 21221
2. SITE ADDRESS:
711 ACADEMY ROAD, BALTIMORE, MARYLAND 21221
3. SITE ZONING: DISTRICT 1
4. ZONING MAP: SW 14
5. ELECTION DISTRICT: 1, COUNCILMAN DISTRICT 1
6. TAX ACCOUNT NO. 01-10-015200-1-00000527
7. TAX MAP NO. PARCEL NO. 315 & 410
8. DEED REFERENCE: B12-11 & 706471
9. EXISTING CONSTRUCTION: OFFICE BUILDING, PARCEL A, NURSING HOME, PARCEL B
10. PROPOSED CONSTRUCTION: SECOND STORY ADDITION TO NURSING HOME (PARCEL B)
11. PREVIOUS COMMERCIAL PERMIT: B221709 - PERMIT FOR INTERIOR RENOVATIONS, APPLIED FOR 1/18/95
12. ZONING HISTORY:
CASE NUMBER 9707-03
APPROVED APRIL 26, 1979
PARCEL A OF SITE WAS RECLASSIFIED FROM A-1 ZONE TO AN RA ZONE AND A SPECIAL INTEREST WAS GRANTED TO PERMIT A SPECIAL INTEREST. A SPECIAL INTEREST WAS ALSO GRANTED FOR PARCEL B TO PERMIT A CONSENT HOME.
13. PARKING SUMMARY:
PARKING REQUIRED:
NURSING HOME: 244 BAYS
OFFICE BUILDING: 12,255 SF
MEDICAL OFFICE BLDG: 12,255 SF
TOTAL: 176 SPACES
SPACES PROVIDED: 181 SPACES
14. SETBACK SUMMARY FOR BUILDING ADDITIONS:
FRONT YARD: 40'
SIDE YARD: 30'
REAR YARD: 40'
15. BUILDING HEIGHT:
PERMITTED: 50'
PROPOSED: 37'
16. ZONING MAPS: SW 14 & SW 22
17. SITE AREA:
LOT A: 1.5 AC.
LOT B: 3.7 AC.
TOTAL: 5.2 AC.



LPU FILE NO. PLOT DATE

8-23-95

C-1

8-23-95

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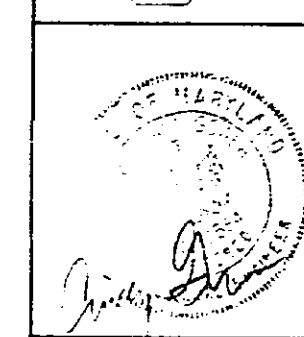
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ADDITION & ALTERATIONS
to the
FREDERICK VILLA NURSING CENTER
711 ACADEMY ROAD BALTIMORE, MD. 21221

Sheet Title
TO
ACCOMPANY
PETITION FOR A
SPECIAL HEARING
for
FREDERICK VILLA
NURSING HOME

Job No.
0394

Sheet No.
C-1

Date
8-23-95